

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STRATAS FOODS LLC,
Plaintiff,

v.

J.B. CUSICK COMPANY, INC.,
Defendant.

Case No. 2:24-cv-02414-CSK

ORDER GRANTING MOTION FOR
ALTERNATE SERVICE

(ECF No. 5)

Plaintiff Stratas Foods LLC moves (1) to extend time for service, and (2) for substituted service upon Defendant J.B. Cusick Company, Inc.¹ (ECF No. 5).

Plaintiff filed its complaint on September 5, 2024. (ECF No. 1.) Since then, Plaintiff has attempted to serve Defendant at its registered agent's address six different times during September 2024, but was unsuccessful. Pl. Mot. (ECF No. 50-1 at 5-6.) The registered agent's address was obtained through the California Secretary of State's website. *Id.* Plaintiff states that it believes it already properly served Defendant under Fed. R. Civ. P. 4(e)(1) by complying with California Code of Civil Procedure section 415.20(a), but filed this motion out of an abundance of caution. *Id.* at 4-5.

¹ This matter proceeds before the undersigned pursuant to the Court's automated case assignment plan. Local Rule, Appendix A, subsection (m); see 28 U.S.C. § 636, Fed. R. Civ. P. 72, Local Rule 302(c).

1 Plaintiff has shown sufficient good cause for an extension of the deadline for
2 service pursuant to Federal Rule of Civil Procedure 4(m). In addition, Plaintiff has shown
3 that it has, with reasonable diligence, exhausted its other options for service pursuant to
4 California Corporations Code § 1702(a). See Fed. R. Civ. P. 4(h) (corporation may be
5 served in federal judicial district in manner for serving individual as provided by Rule
6 4(e)(1)); *id.* 4(e)(1) (individual may be served by following state law provisions for serving
7 summons in state court); Cal. Corp. Code § 1702(a) (allowing service through Secretary
8 of State upon reasonable exhaustion of other provisions).

9 IT IS THEREFORE ORDERED that Plaintiff's motion (ECF No. 5) to permit
10 alternate service and for an extension of time to serve Defendant through the California
11 Secretary of State is GRANTED. Plaintiff is directed to serve Defendant through the
12 California Secretary of State within thirty days of this order's issuance.

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14 Dated: January 28, 2025

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16 CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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